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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 30 July 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

Pursuant to paragraph 25 of Security Council resolution 2094 (2013), I have the honour to convey that Sweden and the other member States of the European Union have jointly implemented the additional restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 2087 (2013) and 2094 (2013) by taking the following common measures:[1]

Council decision 2013/88/CFSP of 18 February 2013 concerning restrictive measures against the Democratic People's Republic of Korea[2] amending Council decision 2010/800/CFSP of 22 December 2010[3]

The Council decision takes note of the adoption of Security Council resolution 2087 (2013) on 22 January 2013 and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- The designation of additional persons and entities (travel ban and asset freeze), in accordance with paragraph 5 (a) of Security Council resolution 2087 (2013);
- The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, in accordance with paragraph 5 (b) of Security Council resolution 2087 (2013);
- The obligation to exercise vigilance and restraint regarding the entry into or transit through the territories of European Union member States with regard to individuals working on behalf or at the direction of a designated individual or entity, in accordance with paragraph 12 of Security Council resolution 2087 (2013);

[1] All common measures are published in the *Official Journal of the European Union*.
[2] *Official Journal of the European Union*, L 46, 19.2.2013, p. 28.
[3] *Official Journal of the European Union*, L 341, 23.12.2010, p. 32.

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– The inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the Union or any member State in accordance with relevant decisions of the Security Council, in accordance with paragraph 13 of Security Council resolution 2087 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2087 (2013) did not require new European Union measures for implementation as the Union had already taken similar measures on an autonomous basis at an earlier stage, in particular partially concerning paragraphs 5 (a) and 6 of Security Council resolution 2087 (2013). It is also noted that, in addition, Council decision 2013/88/CFSP includes further autonomous measures of the European Union in view of its deep concern about the violation by the Democratic People's Republic of Korea of international obligations.

With a view to ensuring the uniform application of those measures by economic operators in all member States, regulatory action at the level of the Union has been taken in order to implement the measures of Council decision 2013/88/CFSP falling under community competence.

The following measure of Council decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) is implemented by Commission Implementing Regulation (EU) No. 137/2013 of 18 February 2013[4] amending Regulation (EC) No. 329/2007[5] concerning restrictive measures against the Democratic People's Republic of Korea:

– The designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) are implemented by Council Regulation (EU) No. 296/2013 of 26 March 2013[6] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

– The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, including related technical assistance and brokering services and financing or financial assistance;

– The inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the Union or any member State in accordance with relevant decisions of the Security Council.

The above-mentioned Council regulations are binding in their entirety and are directly applicable in all member States of the European Union. Regulation (EC)

[4] *Official Journal of the European Union*, L 46, 19.2.2013, p. 19.
[5] *Official Journal of the European Union*, L 88, 29.3.2007, p. 1.
[6] *Official Journal of the European Union*, L 90, 28.3.2013, p. 4.

No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden are set out in the following legislation:

(a) Act (1996:95) on certain international sanctions, which provides for penalties for violations of prohibitions contained in European Union Regulations on economic sanctions;

(b) Regarding restrictions on admission (visa ban), Sweden's general aliens legislation, together with Council decision 2010/800/CFSP and regulation (EC) No. 539/2001,[7] provide the basis for refusal of admission and denial of requests for a visa. This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

Council decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea[8] amending Council decision 2010/800/CFSP of 22 December 2010[9]

The Council decision takes note of the adoption on 7 March 2013 of Security Council resolution 2094 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- The designation of additional persons and entities (travel ban and asset freeze), and insertion of additional criteria for designation, in accordance with paragraphs 8, 9 and 10 of Security Council resolution 2087 (2013);
- The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, or to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the decision of the European Union, or to the evasion of measures imposed by those resolutions or decision of the European Union, in accordance with paragraphs 7, 20 and 22 of Security Council resolution 2094 (2013);
- The prohibition to provide financial support for trade with the Democratic People's Republic of Korea, including in relation to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the decision of the European Union or to the evasion of measures imposed by those resolutions or the decision of the European Union, in accordance with paragraph 15 of Security Council resolution 2094 (2013);
- The obligation to prevent the provision of financial services, including in relation to bulk cash and regarding activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the decision of the European Union or to the evasion of measures imposed by those resolutions or the decision of the European Union, in accordance with paragraphs 11 and 14 of Security Council resolution 2094 (2013);

[7] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom of Great Britain and Northern Ireland.

[8] *Official Journal of the European Union*, L 111, 23.4.2013, p. 52.

[9] *Official Journal of the European Union*, L 341, 23.12 2010, p. 32.

– The prohibition on the opening of new branches, subsidiaries or representative offices of Democratic People's Republic of Korea banks in the territories of the member States of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if they have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by this decision, or to the evasion of measures imposed by those resolutions or by this decision, in accordance with paragraph 12 of Security Council resolution 2094 (2013);

– The obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on its behalf, including at their airports and seaports, if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision, in accordance with paragraph 16 of Security Council resolution 2094 (2013);

– The obligation to deny entry into the ports of member States of the European Union to any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or to any Democratic People's Republic of Korea-flagged vessel that has refused to be inspected pursuant to paragraph 12 of Security Council resolution 1874 (2009), in accordance with paragraph 17 of Security Council resolution 2094 (2013);

- The obligation to deny permission to any aircraft to land in, take off from or overfly the territory of member States of the European Union if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision, in accordance with paragraph 18 of Security Council resolution 2094 (2013);

– The obligation to expel nationals of the Democratic People's Republic of Korea who member States of the European Union determine are working on behalf of, or at the direction of, a person or entity listed in annexes I or II to Security Council resolution 2094 (2013), or who they determine are assisting the evasion of sanctions or violating the provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or of this decision, from their territories for the purpose of repatriation to the Democratic People's Republic of Korea, consistent with applicable national and international law, in accordance with paragraph 10 of Security Council resolution 2094 (2013);

– The obligation to exercise enhanced vigilance over diplomatic personnel of the Democratic People's Republic of Korea so as to prevent such individuals from contributing to the country's nuclear or ballistic missile programmes or other

activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) or by this decision, or to the evasion of measures imposed by those resolutions or by this decision, in accordance with paragraph 24 of Security Council resolution 2094 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2087 (2013) did not require new European Union measures for implementation as the Union had already taken similar measures on an autonomous basis at an earlier stage, in particular concerning a number of specific elements pertaining to the measures mentioned above.

With a view to ensuring the uniform application of those measures by economic operators in all member States, regulatory action at the level of the Union has been taken in order to implement the measures of Council decision 2013/88/CFSP falling under community competence.

The following measure of Council decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) is implemented by Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013[10] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- The designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) are implemented by Council Regulation (EU) No. 696/2013 of 22 July 2013[11] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- The insertion of additional criteria for designation, where it concerns the freezing of funds and economic resources.

- The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, including related technical assistance and brokering services;

- The obligation to prevent the provision of financial services in relation to prohibited activities;

- The prohibition on the opening of new branches, subsidiaries or representative offices of Democratic People's Republic of Korea banks in the territories of the member States of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if they have information that provides reasonable grounds to believe that this could contribute to the

[10] *Official Journal of the European Union*, L 111, 23.4.2013, p. 43.
[11] *Official Journal of the European Union*, L 198, 23.7.2013, p. 28

nuclear or ballistic missiles programmes of the Democratic People's Republic of Korea;

- The obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on its behalf, including at their airports and seaports;

- The obligation to deny entry into the ports of member States of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected, pursuant to paragraph 12 of Security Council resolution 1874 (2009);

- The obligation to deny permission to any aircraft to land in, take off from or overfly the territory of member States of the European Union if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision.

The above-mentioned Council regulations are binding in their entirety and are directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden are set out in the following legislation:

Act (1996:95) on certain international sanctions (cfr above).

Regarding restrictions on admission (visa ban), Sweden's general aliens legislation, together with Council decision 2013/183/CFSP and regulation (EC) No. 539/2001,[7] provide the basis for refusal of admission and denial of requests for a visa. The regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

(*Signed*) Signe **Burgstaller**
Ambassador
Chargé d'affaires a.i.

United Nations S/AC.49/2013/19

Security Council

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2 August 2013
English
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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 1 August 2013 from the Permanent Mission of Luxembourg to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Luxembourg to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 25 of resolution 2094 (2013), has the honour to transmit herewith information on the implementation by Luxembourg of the United Nations sanctions imposed upon the Democratic People's Republic of Korea (see annex).

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Annex to the note verbale dated 1 August 2013 from the Permanent Mission of Luxembourg to the United Nations addressed to the Chair of the Committee

Report of Luxembourg to the Security Council Committee established pursuant to resolution 1718 (2006)

In accordance with paragraph 25 of Security Council resolution 2094 (2013), and in addition to the reports submitted by notes verbales dated 11 February 2008 (see S/AC.49/2008/1) pursuant to paragraph 11 of resolution 1718 (2006), and 21 May 2012 (see document S/AC.49/2012/4) pursuant to paragraph 22 of resolution 1874 (2009), Luxembourg has the honour to transmit to the Security Council Committee established pursuant to resolution 1718 (2006) the following information on the specific measures that it has taken to implement effectively the provisions of paragraphs 8 to 20, 22 to 24, 26 and 30 of resolution 2094 (2013).

I. Measures adopted by the European Union

Under European Union law, Security Council resolutions are implemented by decisions of the Council of the European Union under the Common Foreign and Security Policy.

These decisions are legally binding on member States and transpose the content of Security Council resolutions into European Union law. In order to make their content not only binding on member States, but also directly applicable within them, these decisions need to be incorporated into regulations of the Council of the European Union. In application of these principles, Luxembourg and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) as follows:

Council Decision 2013/183/CFSP of 22 April 2013, concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP

This European instrument reaffirms the measures already implemented by Security Council resolutions 1718 (2006), 1874 (2009) and 2087 (2013), and affirms the commitment of the European Union to implement all of the measures outlined in resolution 2094 (2013). For the sake of clarity, Decision 2013/183/CFSP includes all of the restrictive measures implemented by the Security Council against the Democratic People's Republic of Korea in a consolidated instrument, and provides a framework for the specific implementation by the European Union of the measures set out in resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), including:

- Placing an embargo on arms and related materiel.
- Prohibiting the export of certain items, equipment, goods and technology that could contribute to the Democratic People's Republic of Korea nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, or to the evasion of measures imposed by the Security Council.

- Prohibiting the acquisition of arms, related materiel and other goods and technology from the Democratic People's Republic of Korea.
- Prohibiting the provision of technical training, advice, services, assistance or brokering services, or other intermediary services, related to prohibited items and technology or to the provision, manufacture, maintenance and use of those items.
- Prohibiting the provision of financing or financial assistance related to prohibited items and technology, including, in particular, grants, loans and export credit insurance, as well as insurance and reinsurance.
- Prohibiting participation in activities the object or effect of which is to circumvent the measures imposed by the Security Council resolutions against the Democratic People's Republic of Korea.
- Prohibiting trading in gold, precious metals or diamonds with the Government of the Democratic People's Republic of Korea.
- Prohibiting the provision of newly printed or minted banknotes and coinage to the Democratic People's Republic of Korea.
- Prohibiting the export of luxury goods to the Democratic People's Republic of Korea.
- Prohibiting the provision of financial support for international trade to the Democratic People's Republic of Korea, where such financial support could contribute to its nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes.
- Prohibiting the entry into new commitments for grants, financial assistance, or concessional loans to the Democratic People's Republic of Korea.
- Enhancing the monitoring of financial institutions within the jurisdiction of States members of the European Union with banks domiciled in the Democratic People's Republic of Korea, and their branches and subsidiaries and other financial entities domiciled outside the country.
- Prohibiting the opening of new branches, subsidiaries, correspondent banks or representative offices of banks of the Democratic People's Republic of Korea.
- Requiring the inspection of cargo to and from the Democratic People's Republic of Korea, if information provides reasonable grounds to believe that the cargo in question contains items whose supply, sale, transfer or export is prohibited under Security Council resolutions, as well as additional pre-arrival or pre-departure information for all aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.
- Requiring the seizure and disposal of prohibited items, in accordance with the provisions of Security Council resolutions.
- Denying entry into any European Union port of any vessel that has refused to allow an inspection, and denying permission to any aircraft to land in or take off from member States' airports, or to overfly European Union territory.
- Prohibiting the provision of bunkering or ship supply services if information provides reasonable grounds to believe that the vessels carry prohibited items.

- Restricting certain individuals' entry into or transit through the territory of member States, in accordance with Security Council resolutions.
- Freezing funds and economic resources of persons and entities designated by the sanctions Committee or by the Security Council.
- Preventing the specialized teaching or training of nationals of the Democratic People's Republic of Korea in specific disciplines.
- Enhancing vigilance over diplomatic personnel of the Democratic People's Republic of Korea, in accordance with international law.
- Prohibiting the granting of claims submitted by certain persons, entities or bodies, in connection with any contract or transaction the performance of which was affected by measures decided on pursuant to Security Council resolutions.

Regulations of the Council of the European Union

Council regulations implement the elements of the above-mentioned decisions which fall within the competence of the European Union under the Treaty on the Functioning of the European Union, in particular with a view to ensuring their uniform application by economic operators in all European Union member States.

Council regulations are binding in their entirety and are directly applicable in all States members of the European Union as soon as they have been published in the *Official Journal of the European Union*. Funds and economic resources are frozen directly and immediately by Council regulations. No further national implementing provisions are necessary in this respect.

Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments) listing the third countries whose nationals must be in possession of visas when crossing the external borders of member States and those whose nationals are exempt from that requirement. This regulation requires that nationals of the Democratic People's Republic of Korea be in possession of a visa to cross the external borders of the European Union. Entry restrictions to the territory are implemented through the visa application process.

Council Regulation (EC) No. 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea containing the list of goods and technology adopted by the sanctions Committee through its decision of 1 November 2006.

Updates to the restrictive measures against the Democratic People's Republic of Korea are made through amendments to Regulation (EC) No. 329/2007 that reflect the decisions of the sanctions Committee. Updates were made through the following regulations:

Commission Regulation (EC) No. 117/2008 of 28 January 2008 amending Council Regulation (EC) No. 329/2007 by replacing annex I with a new annex presenting the goods and technology subject to the ban by reference to annex I to Council Regulation (EC) No. 1334/2000 (replaced by Council Regulation (EC) No. 428/2009 of 5 May 2009) setting up a Community regime for the control of exports of dual-use items and technology.

Council Regulation (EU) No. 1283/2009 of 22 December 2009 amending Council Regulation (EC) No. 329/2007 to include measures introduced by Security Council resolution 1874 (2009).

Council Regulation (EU) No. 567/2010 of 29 June 2010 amending Council Regulation (EC) No. 329/2007 by replacing its annex Ia with the text set out in the annex to Council Regulation (EU) No. 567/2010, containing a revised list of prohibited items, materials, equipment, goods and technology, in order to maintain the effectiveness of the measures.

Council Regulation (EU) No. 296/2013 of 26 March 2013 amending Council Regulation (EC) No. 329/2007 to include certain measures provided for in Security Council resolutions 2087 (2013) and 2094 (2013), including:

- Prohibiting the supply, sale or transfer to the Democratic People's Republic of Korea of additional items, materials, equipment, goods and technology which could contribute to the country's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes, including technical assistance and brokering services and financing and financial assistance related to prohibited goods and technology.
- Including a provision stating that, where the Security Council has provided for a prohibition on financial services, this includes the provision of insurance and reinsurance services.
- Prohibiting the opening of new branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea in the territories of member States, the establishment of new joint ventures, or the taking of an ownership interest by banks of the Democratic People's Republic of Korea with banks in the jurisdiction of member States.
- Including a provision stating that no claims in connection with any contract or transaction, the performance of which has been affected by the range of measures imposed under Security Council resolutions, shall be satisfied, if made by designated persons or entities or any other persons or entity of the Democratic People's Republic of Korea.
- Modifying the list of items set out in annex Ia to Regulation (EC) No. 329/2007, the supply, sale, transfer or export of which to the Democratic People's Republic of Korea is prohibited, to include certain items listed in annex III to Security Council resolution 2094 (2013).

Council Regulation (EU) No. 696/2013 of 22 July 2013 amending Council Regulation (EC) No. 329/2007 to include the following elements of Security Council resolution 2094 (2013):

- Including additional inscription criteria regarding the freezing of assets of persons or entities acting on behalf of or at the direction of designated persons or entities or entities owned or controlled by them, including through illicit means.
- Expanding the scope of the prohibition on any technical training, advice, services or technical assistance in relation to prohibited items to include other intermediary services.

- Prohibiting the establishment and maintenance of correspondent relationships with banks and financial institutions in the Democratic People's Republic of Korea or the opening of bank accounts in the Democratic People's Republic of Korea, where there are reasonable grounds to believe that this could contribute to the nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes or other prohibited activities of the Democratic People's Republic of Korea.
- Requiring the inspection of any cargo originating in or destined for the Democratic People's Republic of Korea or brokered or facilitated by that country, its nationals, or by individuals or entities acting on their behalf, where there are reasonable grounds to believe that the cargo contains prohibited items.
- Denying entry to ports of European Union member States to vessels refusing to undergo inspection.
- Prohibiting any aircraft from taking off, landing in or overflying their territory, if there are reasonable grounds to believe that it contains prohibited items.

These regulations were supplemented by the following implementing regulations:

Commission Implementing Regulation (EU) No. 1355/2011 of 20 December 2011 amending the list of persons, entities and bodies to whom the freezing of funds and economic resources should apply.

Commission Implementing Regulation (EU) No. 137/2013 of 18 February 2013 amending the list of persons, entities and bodies to whom the freezing of funds and economic resources should apply, in accordance with the decision of the Security Council Committee established pursuant to resolution 1718 (2006), of 2 May 2012, and with annexes I and II to resolution 2087 (2013).

Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013 amending the list of persons, entities and bodies to whom the freezing of funds and economic resources should apply, in accordance with annexes I and II to resolution 2094 (2013).

II. Measures adopted by Luxembourg

Under article 14, paragraph 1, of Regulation (EU) No. 329/2007, European Union member States shall lay down the rules on penalties applicable to infringements of the regulation and shall take all measures necessary to ensure that they are implemented.

The following measures are currently in force in Luxembourg.

(a) Arms embargo

In accordance with article 5 of the amended Act of 15 March 1983 on arms and ammunition, the import, manufacture, transformation, repair, acquisition, purchase, possession, stockpiling, transport, transfer, sale, export and trade of arms and ammunition are subject to authorization by the Minister of Justice. Furthermore, in accordance with the amended Act of 5 August 1963 regulating the import, export and transit of goods and related technology and with the Grand Ducal Regulation of 31 October 1995 related to the import, export and transit of arms, ammunition and

materiel specially designed for military use, and of related technology, an export licence is mandatory for the sale, supply, transfer or export of arms and related materiel. This applies to all items on the European Union Common Military List. Licence applications are examined, using the relevant criteria, in the light of the measures imposed by paragraph 8 of resolution 1718 (2006), paragraphs 9 and 10 of resolution 1874 (2009), paragraph 5 of resolution 2087 (2013), paragraphs 7 and 20 of resolution 2094 (2013) and the exceptions set out in paragraph 10 of resolution 1874 (2009). Where applicable, Luxembourg will ensure that the Committee is notified prior to any shipment of small arms and light weapons or related materiel. To date, no such shipments have been made from Luxembourg. Article 9, paragraph 1, of the Act of 5 August 1963 regulating the import, export and transit of goods and related technology, as amended by the Act of 4 March 1998, refers to articles 231, 249 to 253 and 263 to 284 of the General Act on Customs and Excise of 18 July 1977, which criminalize violation of or attempted violation of the provisions of the aforementioned Act of 5 August 1963.

(b) Travel ban

Nationals of the Democratic People's Republic of Korea travelling to Luxembourg require a visa to enter the territory of the European Union. The travel restrictions are implemented through the visa application process. Bans on the issuance of visas are implemented primarily by the Convention implementing the Schengen Agreement of 19 June 1990, which regulates the entry of third-country nationals into the Schengen area, of which Luxembourg is a part. Article 5, paragraph 1, of the Convention sets out the conditions for entry into the territories of the Contracting Parties. Paragraph 2 of that article states that an alien who does not fulfil all those conditions must be refused entry into the territories of the Contracting Parties. Since the individuals affected by measures ordered by the Security Council do not meet the conditions set out in article 5, paragraph 1 (e), of the Convention, which states that the alien must not be considered to be a threat to public policy, national security or the international relations of any of the Contracting Parties, these individuals may not be granted entry into the territory of Luxembourg. Pursuant to articles 15 and 18 of the Convention, this prohibition of entry into the territory applies both to uniform short-stay visas valid for the entire territory of the Contracting Parties and to national long-stay visas. Furthermore, the Act of 29 August 2008 on the free movement of persons and immigration provides that individuals who are not allowed into Luxembourg shall be sent back.

(c) Asset freeze and due diligence of financial operators

Luxembourg's legislation on the financial sector establishes professional obligations and codes of conduct that must be observed at all times and in an ongoing manner by financial institutions. These institutions must therefore exercise customer due diligence and must cooperate with the authorities, particularly the Financial Sector Monitoring Committee. The legislative framework is supplemented by circulars issued by the Committee, in which it specifies how different legal provisions concerning monitored entities should be applied; publishes prudential regulations specific to particular areas of activity; and makes recommendations concerning financial sector activities. Committee circulars Nos. 06/247 of 8 June 2006 and 10/458 of 11 May 2010 on the subject of the Democratic People's Republic of Korea, and No. 13/567 of 27 June 2013, require all institutions to apply

enhanced due diligence measures in respect of any business relationship with or transaction for a person or entity from the Democratic People's Republic of Korea.

Before establishing any business relationship or conducting any transaction, institutions must verify the identity of the customer or beneficial owner. Then, throughout the relationship with the customer, they must monitor the customer's transactions, including with respect to the source of the customer's funds. Any international measures or sanctions adopted at the political level by the United Nations Security Council are introduced into Luxembourg through European Union regulations that are directly applicable under domestic law. In the event that a customer of a financial institution is targeted by such an international sanction, the institution must apply the sanction by freezing the customer's assets without delay and notifying the Ministry of Finance.

Additional measures to strengthen the legal framework to combat the financing of proliferation are under consideration in Luxembourg. The new legislation aims to update current provisions in force in Luxembourg and to integrate them into a coordinated and consistent set of norms, by aligning the legal framework with recommendation 7 of the Financial Action Task Force on targeted financial sanctions relating to proliferation, as well as the new Task Force guidance on the implementation of financial provisions of Security Council resolutions to counter the proliferation of weapons of mass destruction, revised in June 2013 in the light of resolution 2094 (2013) in particular. Luxembourg will inform the Committee of the adoption of the revised legal framework and provide details of the measures contained therein in due course.

(d) Ban on aircraft taking off from, landing in or overflying the country when there are reasonable grounds to believe that prohibited items are on board

Civilian flights are the concern of the Directorate of Civil Aviation. There are currently no flights between Luxembourg and the Democratic People's Republic of Korea. Authorizations for military flights are requested from the Defence Directorate through the Ministry for Foreign Affairs. The Directorate of Civil Aviation and the Defence Directorate implement the applicable restrictive measures.

(e) Export ban on dual-use goods

Luxembourg is a member of various export control regimes, including the Nuclear Suppliers Group, the Zangger Committee, the Missile Technology Control Regime, the Australia Group and the Wassenaar Arrangement. The control lists of these regimes have been incorporated into Council Regulation (EC) No. 428/2009 of 5 May 2009 (dual-use goods and technology) and Council Common Position 2008/944/CFSP of 8 December 2008 (control of exports of military technology and equipment), which are updated regularly and are applicable in Luxembourg.

The Grand Ducal Regulation of 2 September 2011 regulating the export and transit of dual-use goods and technology aligns the system established under the amended Act of 5 August 1963 regulating the import, export and transit of goods and related technology with the provisions of Council Regulation (EC) No. 428/2009 of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. Export licence applications must be accompanied by an end-user certificate issued in the name of the recipient or end user. Operators (exporters) who intend to use the Community General Export

Authorization, provided for in article 9, paragraph 1, of Council Regulation (EC) No. 428/2009, must first register with the Licensing Office (Ministry of Economic Affairs and Foreign Trade). A licence is required for transit under the same terms as those for exports.

As part of the efforts to combat the export, transit and import of sensitive goods, the Customs and Excise Department of the Ministry of Finance established on 1 January 2004, in the air freight section of Luxembourg airport, a new special unit solely responsible for air freight issues. The Unit, called the Risk-Analysis and Targeting Unit, which is assisted by a surveillance brigade, is responsible for targeting sensitive air freight leaving and entering European Union territory through Luxembourg airport. In Luxembourg, Findel airport is the only direct point of entry into and exit from European Union territory, since the country is surrounded by European Union member States.

Similarly, under the aforementioned Act of 5 August 1963, the Unit conducts regular inspections by targeting documents or goods transiting through Luxembourg airport.

(f) Luxury goods

The Grand Ducal Regulation of 19 October 2007, requiring licences for the export and transit of certain goods (luxury goods) to the Democratic People's Republic of Korea, seeks to implement the ban on the export of certain luxury goods to that country. The list that appears in the annex to that regulation includes items listed in annex IV to resolution 2094 (2013).

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Note verbale dated 12 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the report of the Socialist Republic of Viet Nam on the implementation of Council resolution 2094 (2013) (see annex).

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Annex to the note verbale dated 12 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

Pursuant to paragraph 25 of Security Council resolution 2094 (2013), Viet Nam hereby submits its report on measures taken to implement the resolution and on the relevant legal mechanisms of Viet Nam.

1. It is the consistent position of Viet Nam to support the comprehensive nuclear-test ban and the non-proliferation of nuclear weapons and other weapons of mass destruction, with a view to their total elimination. In this spirit, as a responsible member of the United Nations, Viet Nam has always implemented its obligations under relevant Security Council resolutions, in particular resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), including by submitting its reports (S/AC.49/2007/9 and S/AC.49/2009/31). Viet Nam has seriously implemented these resolutions and will continue to do so.

2. Upon the adoption of resolution 2094 (2013) by the Security Council, the text and annexes were immediately translated into Vietnamese, reported to the Prime Minister and circulated to the ministries and agencies concerned. On 29 March 2013, the Prime Minister of Viet Nam instructed the relevant ministries and agencies to strictly implement the resolution. On the Prime Minister's instruction, the ministries and agencies have assigned focal points and informed departments and organizations of the contents of the resolution and the lists of designated individuals, entities and items. The ministries and agencies have reported that the relevant contents have been seriously studied and carefully examined and implemented, and that, since the adoption of the resolution on 7 March 2013, no violation has been detected. They reiterated that they would continue to strictly implement the resolution.

3. The Prime Minister's instruction on the implementation of resolution 2094 (2013) and the relevant legal documents, including the legal mechanisms for implementing resolutions 1718 (2006), 1874 (2009) and 2087 (2013), details of which Viet Nam has provided in its relevant reports on the implementation of these resolutions, constitute the basic legal framework for the implementation of resolution 2094 (2013).

(a) **Export and transfer of goods mentioned in paragraphs 7-9, 20, 22 and 23:**

(i) In Viet Nam, the Government exercises strict and sole control over all weapons. Individuals without authority and mandate are not allowed to own or use weapons. Under the law of Viet Nam, weapons and related materials are considered as special goods that are subject to restrictions in terms of general production, stockpiling, transportation and trade, which are prohibited. The 1999 Penal Code specifies penalties for the illicit production, stockpiling, transportation of and trade in weapons, explosives, radioactive and inflammable materials and toxins. The ordinance on the management and use of weapons, explosives and law enforcement equipment (2011) further specifies provisions for the strict management of weapons;

(ii) Apart from general regulations applicable to all types of weapons, there are additional regulations covering weapons of mass destruction and related

materials. In June 2008, the National Assembly of Viet Nam passed the Law on Atomic Energy, which specifies measures to ensure atomic energy safety and the development of such energy for peaceful purposes. The Law prohibits acts linked to the use of atomic energy to violate national sovereignty and the rights and legal interests of individuals and organizations and to harm people and the environment. The Law also prohibits research on and the development, transfer and use of nuclear and radiological weapons. In addition, the Law provides details on controls on the export and import of radioactive materials and nuclear equipment, commodities exposed to radiation or containing radioactive materials, as well as controls on the import of goods suspected of containing radioactive materials or of having been exposed to radiation etc. In addition, many legal and other documents on nuclear safety have been issued, such as: the Ordinance on Radiation Safety and Control (1996); the Action Plan on Radiation and Nuclear Safety and Controls (2000); Decree No. 51/2006/ND-CP of 19 May 2006, together with the circular on administrative penalties in the field of radiation safety and control; and Decision No. 450/QD-TTg of the Prime Minister of 25 March 2011 approving the project on the application of security measures in the field of atomic energy, including measures to prevent the illegal import, export and transportation of nuclear materials;

(iii) Regarding chemicals, on 3 August 2005 the Government issued Decree No. 100/2005/ND-CP, on the implementation of the Chemical Weapons Convention, which stipulated strict control over the transfer of chemicals. On 21 November 2007, the National Assembly adopted the Law on Chemicals, which designated the Ministry of Industry and Trade as the Government's agency managing all activities involving chemicals. On 7 October 2008, the Government issued Decree No. 108/2008/ND-CP detailing and providing guidance for the implementation of this Law;

(iv) On 26 August 2005, the Prime Minister issued Decision No. 212/2005/QD-TTg promulgating the regime for managing the biological safety of genetically modified organisms and products based on such organisms. The regime provides for State management of biological safety in the following activities: scientific research, technological development and experimentation; production, trade and use; import, export, storage and transportation; risk assessment and management; biological safety licensing for genetically modified organisms and products based on such organisms in order to protect human health, the environment and biodiversity;

(v) Viet Nam's legal instruments governing domestic and foreign trade also provide strict regulations for activities relating to weapons and materials that may be used for the production and use of weapons of mass destruction. Normative acts, including the 2005 Trade Law, the 2006 Law on Civil Aviation and Decree No. 32/2005/ND-CP of the Government, specify sanctions for the smuggling, illicit transportation and use of weapons, radioactive substances and explosives through land border gates, airports and seaports. With regard to temporary import and re-export cargoes, business regulations on temporary import, re-export, trans-shipment and processing stipulate that the temporary import, re-export and trans-shipment of restricted goods shall require the authorization of the Ministry of Industry and Trade. In 2007, the Prime Minister issued Directive 25/2007/CT-TTg on the prevention of and fight

against terrorism in the new context, which further tightened control measures on these types of weapons;

(vi) In implementing these regulations, Viet Nam's authorities, including the General Department of Customs, have been cooperating with the relevant agencies of other countries and international organizations in the prevention of prohibited and smuggled commodities across borders, while enhancing the monitoring of goods crossing national borders, with a view to detecting and preventing the illicit transportation of smuggled and prohibited goods, weapons, explosives and other hazardous substances;

(b) **Entry and transit of individuals mentioned in paragraph 10:**

(i) Article 4 of Ordinance No. 24/1999/PL-UBTVQH10 of 28 April 2000 (the 2000 Ordinance), on Entry, Exit and Residence of Foreigners in Viet Nam, stipulates that "foreigners entering or exiting Viet Nam shall hold passports or alternative travel documents (hereinafter collectively referred to as passports) with a valid visa issued by a competent Vietnamese authority, unless a visa is not required for such persons". Article 19 of the Ordinance stipulates that "the Ministry of Public Security is responsible for State management of entry, exit and residence of foreigners in Viet Nam". To fulfil this mandate, the Ministry of Public Security issued the regime on transit of foreigners in Viet Nam for the purpose of tourism, which sets out procedures for relevant individuals and organizations to report to competent authorities of Viet Nam on entry and exit activities;

(ii) Subsequent to the 2000 Ordinance, the Government issued Decree No. 21/2001/ND-CP, providing details for the implementation of the 2000 Ordinance, and Decree No. 32/2005/ND-CP of 11 March 2005, on the regime of land border gates and exit, entry, transit, import and export through the border gates of people, vehicles and goods, in order to manage and protect sovereignty and national border security. Article 15 of Decree No. 32/2005/ND-CP strictly prohibits the use of false passports and travel documents, as well as the organization, guiding and transportation of people for the purpose of illegal entry and exit at border gates;

(c) **Freezing of funds, financial assets and other economic resources mentioned in paragraphs 11-15:**

(i) Viet Nam has established a legal basis and implemented measures to prevent and combat money-laundering through transactions in money or other assets. This legal basis includes: the 2010 Law on the State Bank of Viet Nam, the 2010 Law on Credit Institutions, the Law on the amendments of the 1999 Penal Code on retaining or consuming assets acquired through the commission of crimes by other persons and on money-laundering (articles 250 and 251), Joint Circular No. 09/2011/TTLT-BCA-BQP-BTP-NHNNVN-VKSNDTC-TANDTC of 30 November 2011 guiding the application of the provisions of the Penal Code on retaining or consuming assets acquired through the commission of crimes by other persons and on money-laundering, the 2005 Ordinance on Foreign Exchange, and the government decrees on administrative penalties in monetary and banking operations, on payments through payment service institutions and on the organization and operation of the People's Credit Funds;

(ii) In particular, Decree No. 74/2005/ND-CP of 7 June 2005 stipulates mechanisms and measures to prevent and combat money-laundering in Viet Nam through monetary or other asset transactions. According to the Decree, the focal point of an anti-money-laundering inter-agency mechanism is the State Bank of Viet Nam; its Anti-Money-Laundering Department is directly responsible for receiving and processing information on illegal transactions or information relating to transactions of illegal origin, submitting periodic reports to the Government and coordinating with relevant agencies to implement the Decree. The Ministry of Public Security is the leading authority in preventing and combating crimes related to money-laundering, including the investigation of money-laundering cases, coordinating with the State Bank of Viet Nam to take necessary preventive measures in anti-money-laundering operations;

(iii) To implement Security Council resolution 2094 (2013) and other related resolutions of the Council, the State Bank of Viet Nam has undertaken highly precautionary measures while directing banking and credit institutions to fully apply, at the highest level, the standards of customer identification and to report excessive cash transactions (CTR200, CTR500), international electronic money transfers and suspicious transactions to the Anti-Money-Laundering Department, the banking inspection and supervision authority for monitoring, handling and reporting to competent authorities;

(d) **Goods inspection mentioned in paragraphs 16-19:**

(i) The Government's Decree No. 71/2006/ND-CP of 25 July 2006 specifies necessary procedures for vessels entering or exiting Viet Nam, prescribing two cases requiring direct on-board supervision and custody by State agencies, namely: (a) when vessels show obvious signs of violations of the law; and (b) for the purposes of national security and defence, public order and safety, and the prevention of epidemics;

(ii) Pursuant to the Prime Minister's instruction of 29 March 2013 on the implementation of resolution 2094 (2013), the Ministry of Industry and Trade issued Directive No. 387/BCT-KV1 to request groups, general corporations, subordinate bodies and associations to comply with the resolution in their respective relations with the Democratic People's Republic of Korea;

(iii) On that basis, the Government of Viet Nam instructed the relevant authorities to inspect goods originating from or going to the Democratic People's Republic of Korea in Viet Nam's territory, including at seaports and airports, in conformity with existing domestic and international laws, with a view to ensuring that those goods are not prohibited from being supplied, sold, transferred or exported under the provisions of the relevant Security Council resolutions;

(iv) The General Department of Customs under the Ministry of Finance bears the main responsibility for goods inspection in the implementation of Security Council resolutions, in conformity with Viet Nam's laws.

4. In the past years, Viet Nam's competent authorities, including at central and local levels, law enforcement agencies, protection forces at border gates, seaports and airports have taken active and effective measures to manage and control export and import activities, entry and exit, and financial transactions, thereby contributing

to the maintenance of political security and social order in Viet Nam. In practice, Viet Nam has not found any activity violating resolution 2094 (2013). Individuals and organizations in Viet Nam have no relations with those designated in the annexes to resolution 2094 (2013).

As a responsible member of the United Nations, Viet Nam believes that the resolutions of the Security Council on the nuclear issue on the Korean peninsula shall be complied with. Viet Nam reaffirms its commitment to fully implementing resolution 2094 (2013) and its willingness to work with relevant parties in this effort, as well as to ensure normal and legitimate commercial activities among nations for sustainable peace, stability and development in the region and the world.